R.C. 1902

To the Members of the Board

Re: New York Workers Compensation
Domestic Workers Coverage Rule

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective April 1, 1999, for new and renewal business, the withdrawal of the Voluntary Compensation and Employers Liability Coverage for Residence Employees Endorsement (WC 00 03 12) and the Workers Compensation and Employers Liability Coverage for Residence Employees Endorsement (WC 00 03 14).

Rule XIV – Domestic Workers–Residences of the New York Workers Compensation and Employers Liability Manual indicates that these two endorsements can be used to effect coverage for domestic workers under a homeowners, comprehensive personal liability or similar policy. WC 00 03 12 was intended to apply to domestic workers not statutorily covered under the New York Workers' Compensation Law, while WC 00 03 14 was intended to apply to workers statutorily covered under the Law.

Research was conducted with the New York State Insurance Department, the Workers' Compensation Board and the Rating Board's legal counsel to clarify whether or not coverage for domestic workers can be provided by attaching either of these endorsements to a policy other than a workers compensation insurance policy. It was concluded that the use of these endorsements had no applicability under the Law and therefore, they are being withdrawn.

Attached is an amendment to Rule XIV.B. Coverage which withdraws the endorsements and further states that domestic workers may only be insured by the use of the standard workers compensation insurance policy.

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